

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

PAULA L. MAULOLO,

Plaintiff,

vs.

BILLINGS CLINIC and SUN LIFE
ASSURANCE COMPANY of
CANADA,

Defendants.

CV 19-69-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations (Doc. 27) on September 22, 2020, on Plaintiff's Motion for Summary Judgment (Doc. 17) and Defendant Sun Life's Cross-Motion for Summary Judgment (Doc. 28). The Magistrate recommended that Plaintiff's Motion be DENIED and Sun Life's Motion be GRANTED IN PART and DENIED IN PART. (Doc. 27 at 23).

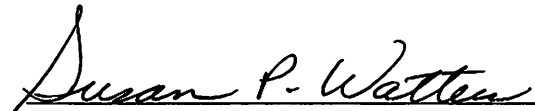
Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm

conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 27) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff Paula L. Maulolo’s Motion for Summary Judgment is DENIED and Defendant Sun Life’s Cross-Motion for Summary Judgment is GRANTED as to Maulolo’s claim under 29 U.S.C. § 1132(a)(3) and DENIED as to Maulolo’s claim regarding the Elimination Period as required under Billings Clinic’s group plan.

DATED this 15th day of December, 2020.



SUSAN P. WATTERS
United States District Judge